

## **REMARKS**

Applicants thank Examiner Hussain for the courtesy of a telephonic interview on July 31, 2007. Applicants' representative James J. Barta, Jr. discussed the invention recited in the independent claims, specifically discussing claim 1 and the cited reference to Meyer. In particular, Meyer fails to teach or suggest the specific identifiers and fields claimed in the amended claims such as MDQ-CD and MDQ-DVD. No agreement was reached, no demonstration was given, and no exhibit was shown.

Applicants have thoroughly considered the Examiner's remarks in the May 3, 2007 Office action and have amended the application to more clearly set forth aspects of the invention. This Amendment A amends claims 1, 6, 7, 22, 28-30, 33-37, 43, 45-47, 49-64, 66, 68, 70, 72, and 75 and cancels claims 3, 4, 31, 32, 44, and 48. No new matter has been added.

Claims 1, 2, 5-30, 33-43, 45-47, and 49-75 are thus presented in the application for further examination. Reconsideration of the application as amended and in view of the following remarks is respectfully requested.

Applicants request that the Examiner now have the drawings as originally filed reviewed and accepted.

Claims 1, 6, 22, 28-30, 33-37, 43, 45-47, 49-64, 66, 68, 70, and 75 have been amended to recite a "computer storage medium." Support for these amendments may be found at least in paragraph [0092] of the present applications. Applicants contend that carrier waves, data signals, and other intangible communication media are statutory subject matter. A signal encoded with functionally descriptive material is similar to a computer-readable medium encoded with functionally descriptive material, both of which are capable of a functional interrelationship with a computer. To advance prosecution, however, Applicants have amended claims 1, 6, 22, 28-30, 33-37, 43, 45-47, 49-64, 66, 68, 70, and 75 to exclude such data signals.

### **Claim Objections**

The disclosure is objected to by the Examiner because it contains an embedded hyperlink and/or other form of browser-executable code. Applicants submit that none of the hyperlinks in the specification are intended to be active links. By this Amendment A, Applicants amend paragraphs [0055], [0067], [0068], [0069], and [0070] to delete the hyperlinks therein.

Applicants request that the U.S. Patent and Trademark Office disable any remaining hyperlinks when preparing the text to be loaded onto the USPTO web database.

Claim 7 has been amended to recite "wherein the metadata provider comprises a computer." Accordingly, Applicants request that the objection to claim 7 be removed.

Claims 23 and 59 stand objected to for containing non-descriptive preambles. Applicants submit that these objections are improper and request that the Examiner identify a rule or statute to support the objections. In any event, Applicants will consider amending the preambles to obviate these objections when the present application is otherwise in condition for allowance.

### **Claim Rejections Under 35 U.S.C. § 112**

Claims 57 and 61 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter. Claims 57 and 61 have been amended to recite "audio and video". Accordingly, Applicants request that the rejection of claims 57 and 61 under 35 U.S.C. § 112 be removed.

### **Claim Rejections Under 35 U.S.C. § 102**

Claims 1-7, 9-10, 12, 14-22, 37, 38, 47, 48, 50, and 64-75 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Publ. No. 2001/0031066 to Meyer et al. ("Meyer"). Applicants disagree, but have amended the claims to more clearly define the claimed invention.

Meyer teaches media objects embedded with identifiers. An identifier is associated with each media object (e.g., each audio file). An identifier is extracted and sent to a server that maps the identifier to an action such as returning metadata. Meyer discloses a number of ways to associate the identifier with an audio object (Meyer, paragraph [0013]). Meyer is directed to the encoding and decoding of the identifier (Meyer, paragraph [0014]).

**In general, Meyer fails to teach or suggest the specific identifiers or labels recited in the rejected claims. In addition, the claims describe the use of specific types of metadata. The claims are directed to the organization and structuring of the media files and metadata. The claimed identifiers or labels enable computing devices operable with the claimed invention to share common interfaces.**

For example, claim 1 recites a request type identifier and a return type identifier. Neither of these identifiers corresponds to an object identifier as in Meyer. Further, in claim 1 the

request type identifier comprises "MDQ-CD or MDQ-DVD" and a return type identifier comprising "MDR-CD or MDR-DVD." These particular identifiers are not taught or suggested by Meyer, in any way. In fact, Meyer teaches away from claim 1 because these particular identifiers do not appear anywhere in Meyer. Further, in the context of object identifiers, Meyer only discloses using an ID3 tag as an object identifier and is completely silent as to a request type identifier or a return type identifier. At the very least, Meyer fails to teach or suggest populating the request data structure.

For at least these reasons, Applicants submit that Meyer fails to teach each and every element recited in claim 1. To the extent that independent claims 37 and 47 include limitations similar to independent claim 1, Applicants submit that independent claims 37 and 47 are patentable for at least the same reasons that independent claim 1 is patentable.

Regarding independent claim 64, Meyer fails to teach or suggest an identifier or a portion thereof comprising the text string WMID. In fact, the letters "WMID" do not appear anywhere in Meyer. Accordingly, Applicants submit that Meyer fails to teach or suggest each and every limitation recited in claim 64.

Regarding independent claim 68, Meyer fails to teach or suggest an identifier or a portion thereof comprising the text string CD. In fact, the letters "CD" do not appear anywhere in Meyer in the context of an identifier. Accordingly, Applicants submit that Meyer fails to teach or suggest each and every limitation recited in claim 68.

Regarding independent claim 72, Meyer fails to teach or suggest ranking the search results and correlating the ranked results with a table to identify the requested metadata. In fact, the word "rank" does not appear anywhere in Meyer. Accordingly, Applicants submit that Meyer fails to teach or suggest each and every limitation recited in claim 72.

The dependent claims rejected under 35 U.S.C. § 102 are believed to be allowable for at least the same reasons that the independent claims from which they depend are allowable.

### **Claim Rejection Under 35 U.S.C. § 103**

*Claims 8, 39, and 49*

Claims 8, 39, and 49 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Publ. No. 2001/0031066 to Meyer et al. ("Meyer") in view of U.S. Patent Publ. No. 2006/0271989 to Glaser et al. ("Glaser"). Applicants disagree. Claims 8, 39, and 49 depend

from claims which Applicants believe contain allowable subject matter. Accordingly, Applicants submit that dependent claims 8, 39, and 49 are patentable for at least the same reasons that the independent claims from which they depend are believed to be allowable.

*Claims 11, 13, 23-36, 40-46, 51, 52, 55, 56, 59, and 61-63*

Claims 11, 13, 23-36, 40-46, 51, 52, 55, 56, 59, and 61-63 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Publ. No. 2001/0031066 to Meyer et al. ("Meyer") in view of U.S. Patent No. 6,760,721 to Chasen et al. ("Chasen"). Applicants disagree, but have amended the claims to more clearly define the claimed invention.

Meyer teaches media objects embedded with identifiers as discussed above. Chasen discloses a metadata management system where users can select and edit metadata.

Regarding independent claims 23 and 59, Meyer and Chasen, alone or in combination, fail to teach or suggest a field labeled WMContentID, WMCollectionID, WMCollectionGroupID, WMPrimaryClassID, and WMSecondaryClassID. In fact, these fields do not even appear anywhere in Meyer or Chasen. Accordingly, Applicants submit that Meyer and Chasen, alone or in combination, fail to teach or suggest each and every limitation recited in claim 23 and 59.

Independent claim 29 recites a request type identifier and a return type identifier. Neither of these identifiers corresponds to an object identifier as in Meyer. Further, in claim 29 the request type identifier comprises "MDQ-CD or MDQ-DVD" and a return type identifier comprising "MDR-CD or MDR-DVD." These particular identifiers are not taught or suggested by Meyer or Chasen, in any way. In fact, Meyer teaches away from claim 29 because these particular identifiers do not appear anywhere in Meyer. Further, in the context of object identifiers, Meyer only discloses using an ID3 tag as an object identifier and is completely silent as to a request type identifier or a return type identifier. At the very least, Meyer and Chasen fail to teach or suggest a query component for populating the request data structure. Accordingly, Applicants submit that Meyer and Chasen, alone or in combination, fail to teach or suggest each and every limitation recited in claim 29.

Independent claim 43 recites a request type identifier. This identifier does not correspond to an object identifier as in Meyer. Further, in claim 43 the request type identifier comprises "MDQ-CD or MDQ-DVD." This particular identifier is not taught or suggested by Meyer or Chasen, in any way. In fact, Meyer teaches away from claim 43 because this particular identifier

does not appear anywhere in Meyer. Further, in the context of object identifiers, Meyer only discloses using an ID3 tag as an object identifier and is completely silent as to a request type identifier. Accordingly, Applicants submit that Meyer and Chasen, alone or in combination, fail to teach or suggest each and every limitation recited in claim 43.

Independent claim 51 recites fields with the labels WMContentID, WMCollectionID, and WMCollectionGroupID. Meyer and Chasen, alone or in combination, fail to teach or suggest any object labels such as these. Accordingly, Applicants submit that Meyer and Chasen, alone or in combination, fail to teach or suggest each and every limitation recited in claim 51

Independent claim 55 recites fields with the labels WMPrimaryClassID and WMSecondaryClassID. Meyer and Chasen, alone or in combination, fail to teach or suggest any object labels such as these. Accordingly, Applicants submit that Meyer and Chasen, alone or in combination, fail to teach or suggest each and every limitation recited in claim 55.

The dependent claims rejected under 35 U.S.C. § 103 in view of Meyer and Chasen are believed to be allowable for at least the same reasons that the independent claims from which they depend are allowable.

#### *Claims 53-54, 57, 58, and 60*

Claims 53-54, 57, 58, and 60 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Publ. No. 2001/0031066 to Meyer et al. ("Meyer") in view of U.S. Patent No. 6,760,721 to Chasen et al. ("Chasen") and further in view of U.S. Patent Publ. No. 2004/0059795 to Ramey et al. ("Ramey"). Claims 53, 54, 57, 58, and 60 depend from claims which Applicants believe contain allowable subject matter. Accordingly, Applicants submit that dependent claims 53, 54, 57, 58, and 60 are patentable for at least the same reasons that the independent claims from which they depend are believed to be allowable

#### **Conclusion**

Applicants submit that the claims are allowable for at least the reasons set forth herein. Applicants thus respectfully submit that claims 1, 2, 5-30, 33-43, 45-47, and 49-75 as presented are in condition for allowance and respectfully request favorable reconsideration of this application.

Although the prior art made of record and not relied upon may be considered pertinent to the disclosure, none of these references anticipates or makes obvious the recited aspects of the invention. The fact that Applicants may not have specifically traversed any particular assertion by the Office should not be construed as indicating Applicants' agreement therewith.

**Applicants wish to expedite prosecution of this application. If the Examiner deems the application to not be in condition for allowance, the Examiner is invited and encouraged to telephone the undersigned to discuss making an Examiner's amendment to place the application in condition for allowance.**

The Commissioner is hereby authorized to charge any deficiency or overpayment of any required fee during the entire pendency of this application to Deposit Account No. 19-1345.

Respectfully submitted,

/James J. Barta, Jr./

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